IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 2827 of 1996

Between:

T.S.Sastry S/o. Satyanarayana Murthy, Staff No.2120,

HAL, Hyderabad Division, R/o. Balanagar, Hyderabad

..... PETITIONER

AND

The General Manager H.A.L. Balanagar
Hyderabad Division Hyderabad - 500 042

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more especially one in the nature of writ of mandamus declaring the clause 5.2 of the Agreement and the consequential deduction of amount equal to the P.P.A hither to paid from the increments paid from 01/10/95 to the petitioner as wholly illegal and arbitrary and consequently direct the respondents to pay the salary of the petitioner without deduction from the increments due and pass such other order.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondent: MR.K.SRINIVASAMURTHY

The Court made the following:

Oral Order:

Aggrieved by a paring down of the take home pay packet, in view of the revised principle of computing annual grade increments, variable dearness allowance and fixed dearness allowance under a 1995 Memorandum of Settlement entered into between the recognized unions and the management of the Hindustan Aeronautics Limited, Hyderabad, an agreement entered into under the provisions of Sections 18 (3) read with Section 12 (3) of the Industrial Disputes, 1947, the petitioner is before this court. It is not disputed by the petitioner that the alleged deduction of the incremental benefits is on account of the revised principles evolved in the fresh wage settlement under the 1995 Memorandum of Settlement. The petitioner also accedes to the position that he does get certain monetary benefits on account of the 1995 Settlement. In effect, the petitioner seeks a Mandamus for re-drafting of the Settlement. Such is not the function or the province of this court. The writ petition is misconceived, deserves rejection and is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dt. 19-11-2004

Pvks/*

To

1. The General Manager H.A.L. Balanagar
   Hyderabad Division Hyderabad - 500 042

2.2CD copies

*Form-NIC-OGS/WP{**MUK**}*